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09300SB0728ham001

LRB093 02916 LCB 51530 a

1 AMENDMENT TO SENATE BILL 728

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 728 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Section 7-101 as follows:.

6 (735 ILCS 5/7-101) (from Ch. 110, par. 7-101)

7 Sec. 7-101. Compensation - Jury. Private property shall not  
8 be taken or damaged for public use without just compensation,  
9 and in all cases in which compensation is not made by the state  
10 in its corporate capacity, or a political subdivision of the  
11 state, or municipality in its respective corporate capacity,  
12 such compensation shall be ascertained by a jury, as  
13 hereinafter prescribed. Where compensation is so made by the  
14 state, a political subdivision of the state, or municipality,  
15 any party upon application may have a trial by jury to  
16 ascertain the just compensation to be paid. Such demand on the  
17 part of the state, a political subdivision of the state, or  
18 municipality, shall be filed with the complaint for  
19 condemnation of the state, a political subdivision of the  
20 state, or municipality. Where the state, a political  
21 subdivision of the state, or municipality is plaintiff, a  
22 defendant desirous of a trial by jury must file a demand  
23 therefor on or before the return date of the summons served on

1 him or her or fixed in the publication in case of defendants  
2 served by publication. In the event no party in the  
3 condemnation action demands a trial by jury as provided for by  
4 this Section, then the trial shall be before the court without  
5 a jury. The right to just compensation as provided in this  
6 Article applies to the owner or owners of any lawfully erected  
7 off-premises outdoor advertising sign that is compelled to be  
8 altered or removed under this Article or any other statute, or  
9 under any ordinance or regulation of any municipality or other  
10 unit of local government, and also applies to the owner or  
11 owners of the property on which that sign is erected, and shall  
12 accrue on the date of the commencement of proceedings under  
13 this Article or any other statute or on the effective date of  
14 any ordinance or regulation that compels the alteration or  
15 removal of the off-premises outdoor advertising sign. Just  
16 compensation with respect to off-premises outdoor advertising  
17 signs shall not be determined by amortization of the value of  
18 the signs over a period of time nor by any other amortization  
19 method or calculation. The right to just compensation as  
20 provided in this Article applies to property subject to a  
21 conservation right under the Real Property Conservation Rights  
22 Act. The amount of compensation for the taking of the property  
23 shall not be diminished or reduced by virtue of the existence  
24 of the conservation right. The holder of the conservation right  
25 shall be entitled to just compensation for the value of the  
26 conservation right.

27 (Source: P.A. 91-497, eff. 1-1-00.)".